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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,512	10/20/2000	Joel E. Short	NOMDX.050A	7933
20995 7590 10/26/2010 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER DUONG, THOMAS				
ART UNIT 2454		PAPER NUMBER		
NOTIFICATION DATE 10/26/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Office Action Summary****Application No.**

09/693,512

**Applicant(s)**

SHORT ET AL.

**Examiner**

Thomas Duong

**Art Unit**

2454

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14 and 19-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE-02)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Request for Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.
2. Amendment received October 8, 2010 has been entered into record. *Claims 14 and 19-23* remain pending.

### ***Response to Amendment***

3. This office action is in response to the Applicants' Amendment filed on October 8, 2010. Applicants amended *claims 14 and 20* and added *claim 23*. *Claims 14 and 19-23* are presented for further consideration and examination.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al. (US6615212B1), in view of Meltzer et al. (US6226675B1), in view of Herz (US7483871B2) and further in view of Paltenghe et al. (US7200578B2).

6. With regard to claims 14 and 20, Dutta discloses a gateway device that provides subscriber computers transparent network access, the device comprising:

- *providing a subscriber computer with access to at least one network via the network system;* (Dutta, col.7, lines 47-62)

Dutta discloses, “*Transcoding framework 608 includes HTTP request transform plugin 610 for converting HTTP request 604 received from client 602 into a modified HTTP request 612 compatible with originating server 614, where the requested content is located. As shown in FIG. 7, transcoding proxy server 606 receives server response 702 in Extensible Markup Language (XML) data format. Transcoding framework 608 also includes XML to HTML transcoder plugin 704. XML to HTML transcoder plugin 704 converts server response 702 from XML data format to an HTML data format and sends HTML data 706 to client 602 for processing*”. Hence, Dutta teaches of the transcoder framework 608 (i.e., Applicants’ subscriber interface) located on the transcoding proxy server 606 (i.e., Applicants’ gateway device) converting requests in one format to requests in a second format (i.e., Applicants’ adapting to subscriber computers) and sending (i.e., Applicants’ facilitating communications between) HTML data 706 to client 602 (i.e., Applicants’ subscriber computers) from originating server 614 on a network (i.e., Applicants’ at least one network).

- *adapting, at the gateway device network system, to the subscriber computer to facilitate communications between the subscriber computer and the at least one network;* (Dutta, col.7, lines 47-62)

Dutta discloses, “Transcoding framework 608 includes HTTP request transform plugin 610 for converting HTTP request 604 received from client 602 into a modified HTTP request 612 compatible with originating server 614, where the requested content is located. As shown in FIG. 7, transcoding proxy server 606 receives server response 702 in Extensible Markup Language (XML) data format. Transcoding framework 608 also includes XML to HTML transcoder plugin 704. XML to HTML transcoder plugin 704 converts server response 702 from XML data format to an HTML data format and sends HTML data 706 to client 602 for processing”. Hence, Dutta teaches of the transcoder framework 608 (i.e., Applicants’ subscriber interface) located on the transcoding proxy server 606 (i.e., Applicants’ gateway device) converting requests in one format to requests in a second format (i.e., Applicants’ adapting to subscriber computers) and sending (i.e., Applicants’ facilitating communications between) HTML data 706 to client 602 (i.e., Applicants’ subscriber computers) from originating server 614 on a network (i.e., Applicants’ at least one network).

- *receiving an XML command at the network system from the billing and content server;* (Dutta, col.7, lines 47-62)

Dutta discloses, “Transcoding framework 608 includes HTTP request transform plugin 610 for converting HTTP request 604 received from client 602 into a modified HTTP request 612 compatible with originating server 614, where the requested content is located. As shown in FIG. 7, transcoding proxy server 606

*receives server response 702 in Extensible Markup Language (XML) data format. Transcoding framework 608 also includes XML to HTML transcoder plugin 704. XML to HTML transcoder plugin 704 converts server response 702 from XML data format to an HTML data format and sends HTML data 706 to client 602 for processing".* Hence, Dutta teaches of the transcoder plugin 704 (i.e., Applicants' XML interface) located on the transcoding proxy server 606 (i.e., Applicants' gateway device located at a network access point) receiving (i.e., Applicants' communicating) responses from the originating server 614 (i.e., Applicants' external device), converting server responses 702 from XML data format to an HTML data format (i.e., Applicants' via a series of XML commands and responses), and sending (i.e., Applicants' supporting communications) the resulting HTML data 706 to client 602 (i.e., Applicants' subscriber computers) from originating server 614 (i.e., Applicants' external device). Since, the responses from originating server 614 already converted to HTML format by the transcoding proxy server, the client 602 (i.e., Applicants' subscriber computer) does not need to support XML (i.e., Applicants' without requiring the subscriber computers to support XML commands and responses).

- transmitting an XML response from the network system to the billing and content server, the XML response comprising a confirmation identifier based on the authorization result. (Dutta, col.7, lines 45-62)

Dutta discloses, "As shown in FIG. 7, transcoding proxy server 606 receives server response 702 in Extensible Markup Language (XML) data format. Transcoding framework 608 also includes XML to HTML transcoder plugin 704. XML to HTML transcoder plugin 704 converts server response 702 from XML

*data format to an HTML data format and sends HTML data 706 to client 602 for processing".*

However, Dutta does not explicitly disclose,

- *parsing the XML command to determine a type of operation requested by the billing and content server and to determine a user associated with the XML command;*

Meltzer teaches,

- *parsing the XML command to determine a type of operation requested by the billing and content server and to determine a user associated with the XML command;* (Meltzer, col.6, lines 40-48; col.78, lines 45-49)

Meltzer discloses, *"In addition, the definitions of the transactions and the definitions of the participant interfaces all comprise documents specified according to a technique compliant with XML or other standardized document expression language. At such market maker node, data comprising a document is received over a communication network. The document is parsed according to the specifications to identify an input document in one or more transactions which accept the identified input document"*. Hence, Meltzer teaches of a market marker node receiving (i.e., Applicants' building section for communicating) an input document, parsing the document by a parser (implied) (i.e., Applicants' parser front end), translating the document from XML to another format by the interface (i.e., Applicants' XML interface), identifying (i.e., Applicants' determining) one or more transactions (i.e., Applicants' type of operation) from the parsed document from the originating participant node (i.e., Applicants' external device).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Meltzer with the teaching of Dutta to improve electronic commerce by enabling the translation of documents to facilitate interaction amongst diverse platforms of the trading partner networks.

However, Dutta and Meltzer do not explicitly disclose,

- *receiving an XML command at the network system from the billing and content server;*
- *parsing the XML command to determine a type of operation requested by the billing and content server and to determine a user associated with the XML command;*
- *receiving an authorization result from the hotel property management system;*  
*and*
- *transmitting an XML response from the network system to the billing and content server, the XML response comprising a confirmation identifier based on the authorization result.*

Herz teaches,

- *receiving an XML command at the network system from the billing and content server; (Herz, col.56, lines 44-50)*

Herz discloses, "This is accomplished by the user establishing a pseudonymous data communications connection as described above to a proxy server S.sub.2, which provides front-end access to the data communication network N. The proxy server S.sub.2 maintains a list of authorized pseudonyms and their corresponding public keys and provides access and billing control".



- *parsing the XML command to determine a type of operation requested by the billing and content server and to determine a user associated with the XML command;* (Herz, col.56, lines 44-50)

Herz discloses, *"This is accomplished by the user establishing a pseudonymous data communications connection as described above to a proxy server S.sub.2, which provides front-end access to the data communication network N. The proxy server S.sub.2 maintains a list of authorized pseudonyms and their corresponding public keys and provides access and billing control".*

- *receiving an authorization result from the hotel property management system;* and (Herz, col.56, lines 44-50)

Herz discloses, *"This is accomplished by the user establishing a pseudonymous data communications connection as described above to a proxy server S.sub.2, which provides front-end access to the data communication network N. The proxy server S.sub.2 maintains a list of authorized pseudonyms and their corresponding public keys and provides access and billing control".*

- *transmitting an XML response from the network system to the billing and content server, the XML response comprising a confirmation identifier based on the authorization result.* (Herz, col.56, lines 44-50)

Herz discloses, *"This is accomplished by the user establishing a pseudonymous data communications connection as described above to a proxy server S.sub.2, which provides front-end access to the data communication network N. The proxy server S.sub.2 maintains a list of authorized pseudonyms and their corresponding public keys and provides access and billing control".*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Herz with the teaching of Dutta and Meltzer to improve electronic commerce by enabling the translation of documents to facilitate interaction amongst diverse platforms of the trading partner networks.

However, Dutta, Meltzer and Herz do not explicitly disclose,

- *transmitting data in a call accounting record format to the hotel property management system, the data in the call accounting record format configured to authorize and bill an account associated with the user in accordance with data in the XML command;*

Paltenghe teaches,

- *communicating with the hotel property management system to authorize and bill an account associated with the user in accordance with data in the XML command;* (Paltenghe, col.5, lines 20-26; col.4, line 64 – col.5, line 2)

Paltenghe discloses, *"Storing data in a self describing meta language, such as XML format, facilitates transfer and use of data by third parties. With proper account owner access authorization, the service facilitates access and understanding of stored personal information, which should reduce the dollar and time cost of services provided by third party professional service providers, such as accountants or physicians".* Paltenghe discloses, *"The consumer's information can be made securely and privately available, for example, through "set top boxes" i.e., cable system boxes used on television, and having advanced architecture such as RISC based technology, in hotel rooms or on terminals in emergency hospitals upon authorized demand via smart cards or other similar*

*devices*". Hence, Paltenghe teaches of transferring (i.e., Applicants' communicating) billing authorization from the user (i.e., Applicants' authorize and bill an account associated with the user) in XML format (i.e., Applicants' in accordance with data in the XML command) to third parties such as hotels (i.e., Applicants' hotel property management), hospitals, etc.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Paltenghe with the teaching of Dutta, Meltzer and Herz to allow the consumer the ability to control and define access to their information for authorizing payment of services while preserving the consumer's personal privacy.

7. With regard to claims 19 and 21-22, Dutta, Meltzer, Herz and Paltenghe disclose a gateway device that provides subscriber computers transparent network access (see claims 14 and 20 rejection as detailed above).

- *wherein communicating with the hotel property management system comprises transmitting a second XML command to the hotel property management system..* (Herz, pg.6, col.2)

Meltzer discloses, "*Servicing With Software; The Current Trend In Hotel Property-Management Systems Gets Back To The Basics: Improving Guest Service; Includes Property Management Systems Terminology,*" *Information Access Company*, vol. 208, No. 16, Sep. 20, 2 pages. *cited by other*".

- *wherein the XML command includes data representing a payment amount and a room number.* (Herz, pg.6, col.2)

Meltzer discloses, *"Servicing With Software; The Current Trend In Hotel Property-Management Systems Gets Back To The Basics: Improving Guest Service; Includes Property Management Systems Terminology," Information Access Company, vol. 208, No. 16, Sep. 20, 2 pages. cited by other"*.

8. With regard to claim 23, Dutta, Meltzer, Herz and Paltenghe disclose a gateway device that provides subscriber computers transparent network access (see claim 20 rejection as detailed above).
- *wherein the format specific to the hotel property system is a call accounting record format.* (Paltenghe, col.5, lines 20-26)

Paltenghe discloses, *"Storing data in a self describing meta language, such as XML format, facilitates transfer and use of data by third parties. With proper account owner access authorization, the service facilitates access and understanding of stored personal information, which should reduce the dollar and time cost of services provided by third party professional service providers, such as accountants or physicians"*.

### **Response to Arguments**

9. Applicants' arguments with respect to *claims 14 and 20* have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The

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examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Avellino can be reached on 571/272-3905. The fax phone numbers for the organization where this application or proceeding is assigned are 571/273-8300 for regular communications and 571/273-8300 for After Final communications.

*/Thomas Duong/*

*Patent Examiner, Art Unit 2454*

*October 22, 2010*

*/Joseph E. Avellino/*

*Supervisory Patent Examiner, Art Unit 2454*